

**REPORT - PLANNING COMMISSION MEETING  
November 18, 2004**

**Project Name and Number:** Corpus Christi Parish/Winter Relief Program (PLN2005-00096)

**Applicant:** Rev. Stephan Kappler

**Proposal:** To consider a conditional use permit to allow an existing religious facility to participate in a Winter Relief Program for homeless families.

**Recommended Action:** Approve based on findings and subject to conditions

**Location:** 37968 Third Street in the Niles Planning Area. Corpus Christi Parish is located at 37968 Third Street and 37891 Second Street.

**Assessor Parcel Number(s):** 507 030502001; 507 031501801; 507 031501701

**Area:** Lot size – 1.91 acres; total building area – 22,141 sq. ft

**Owner:** Rev. Stephan Kappler for Corpus Christi Parish

**Agent of Applicant:** Betsey Pierce, Tri-City Homeless Coalition

**Consultant(s):** None.

**Environmental Review:** This project is exempt under CEQA Section 15304(e), a minor temporary use of land having negligible or no permanent effects on the environment. No development is proposed as part of this application.

**Existing General Plan:** Residential 6.5-10 du/ac

**Existing Zoning:** R-1-8(H), Single Family Residential (Historic Overlay)

**Existing Land Use:** Religious facility

**Public Hearing Notice:** Public hearing notification is applicable. A total of 168 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Chase Court, L Street, De Salle Terrace, Riverside Avenue, Third Street, J Street, Victory Lane, Second Street, Iron Horse Lane, and Niles Boulevard. The notices to owners and occupants were mailed on November 5, 2004. A Public Hearing Notice was delivered to The Argus on November 1, 2004 to be published by November 4, 2004.

**Executive Summary:** The applicant, Corpus Christi Parish, is requesting a conditional use permit to allow the use of an existing church facility as temporary shelter (a one month rotation) for 11 homeless families (a maximum of 40 people). Approval of the conditional use permit would allow Corpus Christi Parish to participate in the Winter Relief Program with six other religious facilities which are currently providing sleeping quarters for the clients in the Program. The existing participating facilities are First Presbyterian Church of Newark, Saint James' Episcopal Church, South Bay Community Church, Niles Congregational Church, and Our Lady of Guadalupe Catholic Church. Centerville Presbyterian Church is the hospitality site while the remaining facilities provide sleeping quarters for the night. Harvest House Community Church (located at 42055 Blacow Road in the Irvington Planning Area) had participated in previous years but is not able to continue in the program. Corpus Christi Parish is being proposed to replace the Harvest House Community Church.

**Background and Previous Actions:** Since July 10, 1967 the site known as Corpus Christi Parish has been approved for use as a religious facility by the Planning Commission under a conditional use permit. On May 28, 1987, an amendment to the conditional use permit was granted by the Planning Commission to allow the church to relocate a parking facility closer to the church.

On December 13, 1988, the City Council adopted Resolution #7489 declaring a health and safety emergency for homeless persons in the City of Fremont. The resolution directed the City Manager to assist public and private agencies to develop and implement an emergency winter shelter program. The resolution also directed preparation of zoning text amendments regarding temporary homeless shelters (i.e., temporary short term residency shelters) as a use in conjunction with religious facilities and other appropriate public and private facilities. A zoning text amendment and development policies were later adopted to regulate temporary and permanent short term residency shelters and services associated with homeless outreach programs. A winter shelter program operated for several years in six churches on a rotational basis and served approximately 60 persons a night (two churches with 30 persons per site). The program was to provide temporary shelter until a permanent shelter was constructed. A permanent short term residency shelter, Sunrise Village, opened in 1993.

The Tri-City Homeless Coalition operates Sunrise Village which is located on Brown Road in Fremont. The shelter serves residents of the Tri-City and South Hayward area. Sunrise Village has a capacity of 66 individuals. The facility has 10 private individual family rooms housing a total of 36 residents, of whom 25 are children. The shelter also has 4 dormitory rooms for 30 adults (16 men and 14 women). The goal of the Sunrise Village is to return homeless people to stable housing by providing shelter, stability, and opportunities to improve life skills and self-reliance. Residents of the shelter are limited to a three-month stay. Since opening, Sunrise Village has been at capacity every night and regularly turns away individuals. Individuals are admitted by a telephone screening process in order of when the phone call was received. Families are put on a waiting list for admittance to the shelter.

On December 14, 2000, the Planning Commission approved the first Winter Relief program for the months of January through April 2001. The Winter Relief Program for 2001-02 was approved by the Planning Commission on September 20, 2001. The program was then extended for 2002-2003 by the Planning Commission on September 12, 2002 with the approval of PLN2003-00036. At this time, the facilities approved for participation in the program were South Bay Community Church, St. James Episcopal Church, Fremont Bible Fellowship, Niles Congregational Church, St. Leonard's Catholic Church, Centerville Presbyterian Church, and Harvest House Community Church. Centerville Presbyterian Church was designated as the hospitality site while the remaining facilities serve as sleeping quarters for the night.

The Winter Relief Program provides temporary shelter for eleven families (maximum of 40 people) waiting to enter Sunrise Village. The program includes one hot meal per day, case management, and sleeping arrangements in churches. In order to provide shelter for the winter, a total of seven religious facilities participate in the shelter program. The program operates seven days a week from November through April (six months) 24 hours a day in the following manner: Centerville Presbyterian Church is designated as the hospitality site where families gather starting at 5:00 p.m. and leave at 8:00p.m. At this site, families receive dinner and case management. Recovery programs for adults and a program for children are also provided. At 8:00 p.m. the clients of the program move to the host sleeping facility for the night. The host sleeping facility is located at one of the six other religious facilities on a one-month rotation at each church. Shelter monitors are at each site the entire time clients are on the premises. The families travel by private car or receive transportation to the sleeping sites. After a cold breakfast, clients leave the facility by 8:00 a.m.

The Tri-City Homeless Coalition provides case management services through the Homeless Outreach for People Empowerment (HOPE) Project, a mobile outreach program. Case managers help families set goals, address issues which led to homelessness, insure that children are enrolled in and attending school, and help families save money. The Tri-City Homeless Coalition anticipates families will stay in the Winter Relief Program for two to four months until space becomes available at Sunrise Village. As families move from the Winter Relief Program, new families will take their place.

On October 21, 2003, the Zoning Administrator approved a finding that the conditional use permit for the Winter Relief Program was valid for 2003-2004. The sleeping site schedule approved for the Winter Relief Program in 2003-2004 was as follows:

MONTH	FACILITY NAME	LOCATION	CITY
November	St. James Episcopal Church	37051 Cabrillo Terrace	Fremont
December	Harvest House Community Church (proposed to be replaced by Corpus Christi Parish)	42055 Blacow Road (37968 Third Street)	Fremont
January	First Presbyterian Church of Newark	35450 Newark Blvd	Newark
February	Niles Congregational Church	255 H Street	Fremont
March	Our Lady of Guadalupe Catholic Church	3600 Saint Leonard's Way	Fremont
April	South Bay Community Church	47385 Warm Springs Boulevard	Fremont

On November 5, 2004, in keeping with Conditional Use Permit Regulations under State law, the Zoning Administrator determined that the conditional use permit approved for the 2002-2003 Winter Relief Program was valid indefinitely and no longer required annual renewal. The program will operate as previously approved with the same conditions. The proposed use permit allows the program to operate at a new site.

**Project Description:** The current proposal before the Planning Commission is to allow Corpus Christi Parish to participate in the Winter Relief Program. Harvest House Community Church is no longer able to participate and a facility is needed to provide sleeping quarters during the month of December. Approval of PLN2005-00096 would allow Corpus Christi Parish to replace Harvest House Community Church as a sleeping site. The property on which Corpus Christi Parish is comprised of three parcels which are located at 37968 Third Street and 37891 Second Street. The facility proposed for the use in the Winter Relief Program is located at 37968 Third Street and is primarily used as a parish hall. The main sanctuary is located off of Second Street. As with the existing host facilities, this site will be used only as sleeping quarters at night. All daytime activities are anticipated to be held at the Centerville Presbyterian Church located at 4330 Central Avenue in the Centerville Planning Area during the week days. On the weekends, the clients will go to the sleeping site for the evening meal. During the week parenting classes, recovery groups and children's programs will be held at the hospitality church. At 8:00 p.m. the clients move to the sleeping site church for the night. Paid shelter counselors are with the clients from 5:00 p.m. at the hospitality site, go the sleeping site at 8:00 p.m. and are on duty all night until 8:00 a.m. or after all the clients have left. In the morning the clients are served a cold breakfast before leaving the sleeping site at 8:00 a.m.

**Project Analysis:** The Winter Relief Program is still needed. The family waiting list for Sunrise Village has reached at least 46 families (with 90 children). Although the Winter Relief Program is open for 11 families at a time, it is felt that some will be able to move to Sunrise Village as space opens up and new families will take their place in Winter Relief. Currently, the wait is two months for the first ten families to get into the Winter Relief Program.

The existing Winter Relief Program currently includes a religious facility (i.e., Niles Congregational Church on 255 H Street) located in the Niles Planning Area. There has been no complaints or problems reported to the Tri-City Homeless Coalition regarding the use of this facility during its host month.

Staff had a concern that the proposed facility and Niles Congregational Church are approximately 1,300 feet apart. However, because the schedule would allow approximately a one month hiatus between the two facilities (i.e., December at Corpus Christi, January at First Presbyterian Church of Newark, then February at Niles Congregational Church), there should be little or no impact regarding over saturation. To insure that any impacts are minimized, the rules of the Winter Relief Program for client conduct shall continue to be incorporated into the conditions of approval. Due to the schedules of the other religious facilities participating in the Winter Relief Program, it would be immensely difficult to modify the host schedule at this time. In the event there is a problem in the future, staff recommends that the Planning Director be given the authority to require that Tri-City Homeless Coalition modify the schedule for future programs.

- **General Plan Conformance:** The General Plan land use designation for the project site is Residential 6.5-10 dwelling units per acre. The proposed project is consistent with the existing General Plan land use designations for the project sites because the proposed use is an accessory use to a public or quasi-public use in residential land use designation. The use of the proposed site in conjunction with the Winter Relief Program is consistent with the following objective, policy, and implementation measures of the Housing Chapter of the General Plan since it would provide emergency shelter for the homeless:

**GOAL 5:** Ensure That All Persons Have Equal Access To Housing Opportunities.

**Policy 5B:** Continue To Provide Assistance To Service Providers Of Special Needs Households Such As Seniors, Disabled And Homeless.

**Implementation 47 - Homeless: Increased Range of Housing Opportunities:** Continue to support a continuum of housing services and opportunities for homeless households, including emergency shelters, transitional housing and permanent affordable housing opportunities.

- **Zoning Regulations:** The religious facility proposed to be used as part of the Winter Relief Program is located in the R-1-8(H) Single-Family Residence (Historical Overlay) District which permits temporary short term residency shelters. Sec. 8-22160.6 of the Zoning Ordinance establishes the regulations under which temporary short term residency shelters may be regulated and approved.

Temporary short term residency shelters located within the R-1 Single-Family Residence District must be located on lots having a minimum area of one acre. Corpus Christi Parish is located on three lots which in total exceeds one acre and therefore meets this requirement. At least one hundred twenty square feet of indoor living area, plus an additional fifty square feet of living area for each additional person over two persons, not to exceed a total of sixty occupants, excluding staff, is required. This project proposes to provide services to a maximum of 40 individuals which would require a minimum of 2,020 square feet of indoor living space. The structure where the sleeping quarters are to take place is approximately a total of 11,227 square feet. The first floor where the program will take place is roughly 5,430 square feet. The general location where the sleeping area is to be situated is shown on Exhibit "A". It is planned to have the hallway area used as a temporary "living room" for the client with couches.

The site is required to meet the requirements of the Fremont Fire Department and the Uniform Building Code for temporary shelters including current assembly permits, fire inspections, and any required fire/life safety systems such as alarms. Fire and building requirements have been incorporated into the conditions of approval.

- **Parking:** The Zoning Ordinance requires for temporary homeless shelters a minimum of three parking spaces; plus one additional parking space per ten beds. The proposed program would therefore require a minimum of seven parking spaces at each site for this program. The proposed site meets this minimum requirement and would provide substantially more parking than the required number with approximately 99 parking spaces. The time of the operation of the shelters for sleeping purposes is 8:00 p.m. to 8:00 a.m. Generally there are limited or no activities on the sites during that time period. A representative of the Tri-City Homeless Coalition stated that not all clients would have vehicles and transportation is typically shared. It is anticipated that there would be a maximum of eleven vehicles with two additional vehicles for staff and an overnight volunteer.
- **Open Space/Landscaping:** No changes are proposed to any existing landscaping or open space on the different religious facility sites.

**Circulation/Access Analysis:** No changes are proposed to any existing access or circulation patterns for the existing religious facilities.

**Waste Management:** It is anticipated that waste and debris would increase during the time when the facility is operating as the sleeping site. Unless the facility is able to recycle, expanded trash collection may be needed. The applicant will be encouraged to institute a recycling program to reduce the amount of trash. A condition will be included to this effect.

**Environmental Analysis:** This project is exempt under CEQA Section 15304(e), a minor temporary use of land having negligible or no permanent effects on the environment. No development is proposed as part of this application.

**Response from Agencies and Organizations:** None.

**Community Meeting held by Tri-City Homeless Coalition:** On November 3, 2004, the Tri-City Homeless Coalition held a community meeting to provide information to the surrounding neighborhood regarding the program and the current proposal. Attending from Tri-City Homeless Coalition were Louis Chicoine, Executive Director, and Mary Ellen Gallagher, Special Projects Director. From Corpus Christi Church were Ed Frakes and Lucy Soltua. There were three neighbors in attendance. Comments received from the attendees were in regards to volunteering and assisting in the program. All expressed support of the program at the proposed site.

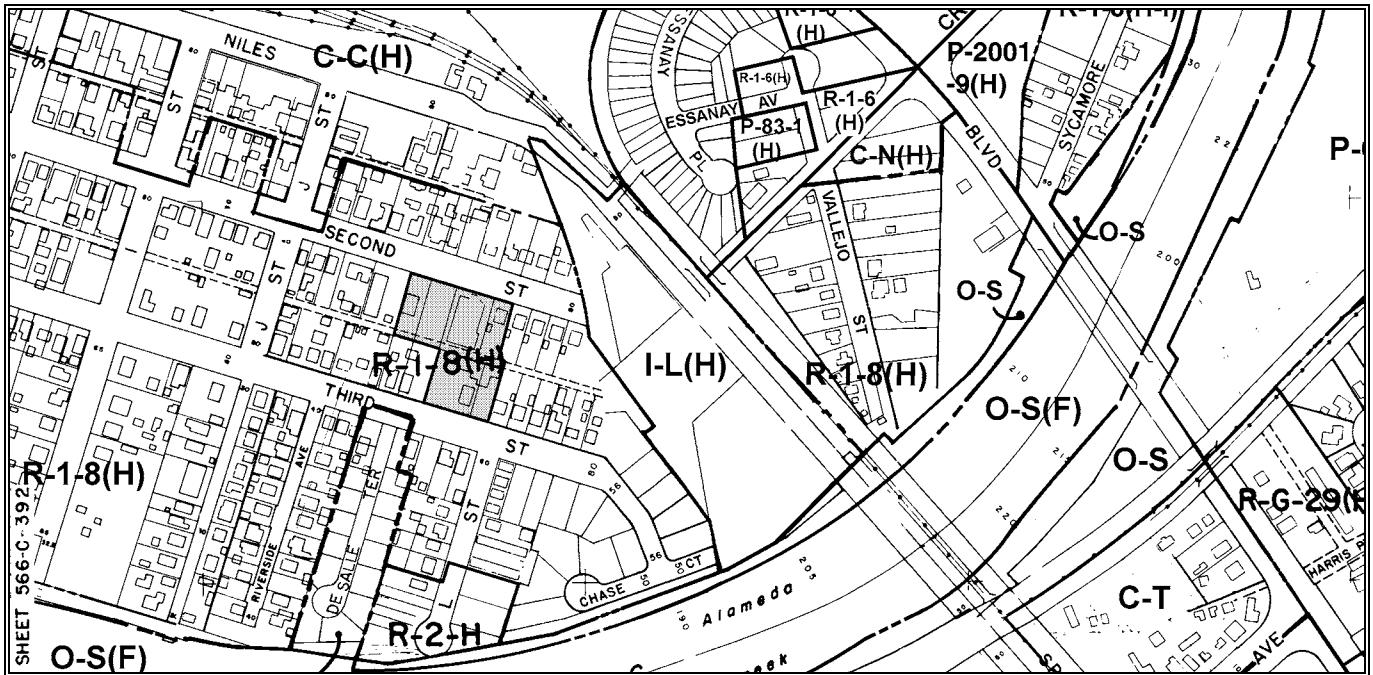
**Enclosures:** Exhibit "A" (Site Plans and Floor Plans for PLN2005-00096)  
Exhibit "B" (Findings and Conditions of Approval for PLN2005-00096)  
Planning Commission Report, Minutes and Conditions of Approval Exhibit "B" (Findings and Conditions) for PLN2003-00036  
Informational (Applicant Letter dated October 5, 2004; Tri-City Homeless Coalition Winter Relief Program 2003-2006 Rules; Tri-City Homeless Coalition Notice of Neighborhood Meeting; brochure on Winter Relief Program by Tri-City Homeless Coalition)

**Exhibits:** Exhibit "A" (Site Plans and Floor Plans for PLN2005-00096)  
Exhibit "B" (Findings and Conditions of Approval for PLN2005-00096)  
Previously approved Exhibit "B" (Findings and Conditions of Approval for PLN2003-00036)  
Informational (Tri-City Homeless Coalition Winter Relief Program 2003-2006 Rules)

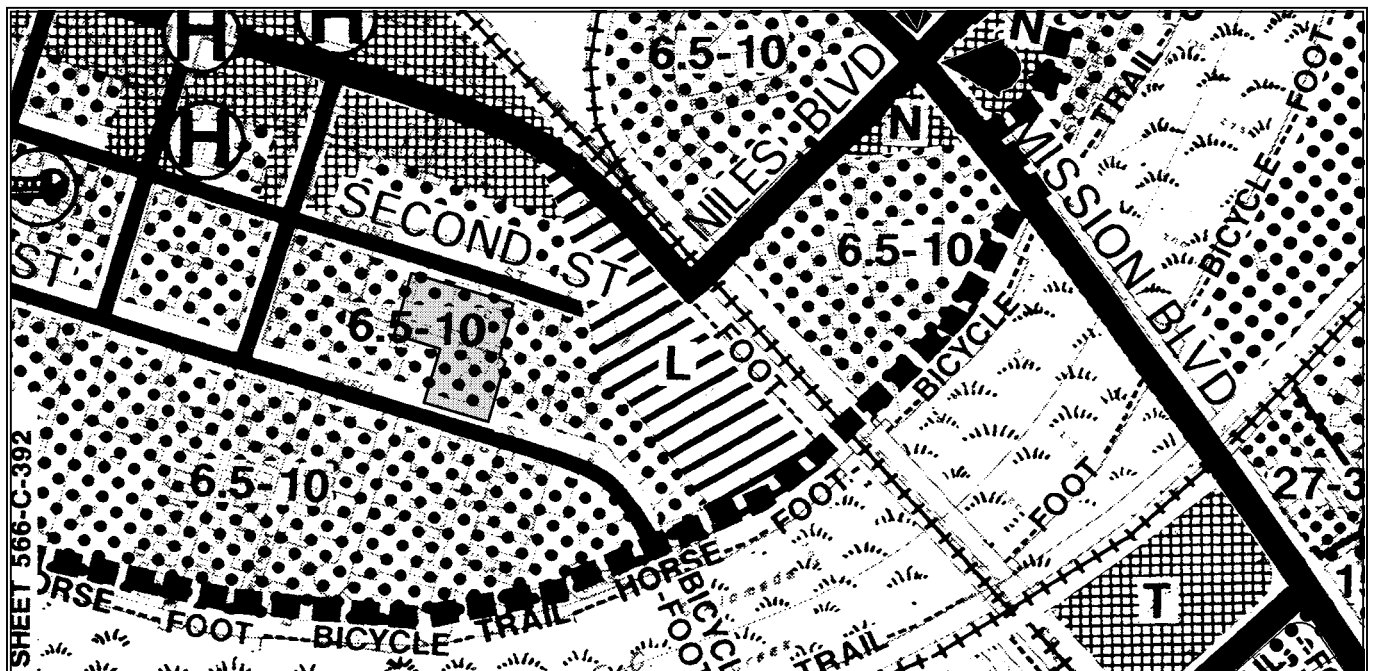
**Recommended Actions:**

1. Hold public hearing.
2. Find the proposed project to be categorically exempt from environmental review per Section 15304(e) of the CEQA guidelines.
3. Find PLN2005-00096 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters.
4. Approve PLN2005-00096, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B".

Existing Zoning  
Shaded Area represents the Project Site



Existing General Plan



**EXHIBIT "B"**  
**Corpus Christi Parish/Winter Relief Program (PLN2005-00096)**

**FINDINGS**

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated November 18, 2004, and testimony at the public hearing incorporated hereby.

1. The use is consistent with the General Plan designation for the site, since the land use, a temporary homeless shelter is conditionally permitted on the project site which is designated Residential 6.5-10 dwelling units per acre on the General Plan.
2. The site is suitable and adequate for the proposed use because the temporary homeless shelter will be located in an established church facility which is able to accommodate the number of individuals participating in the program and is located on residential collector streets.
3. The proposed use would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or other public facilities or services because sufficient parking is provided, points of ingress-egress are properly located, the use will only serve a maximum of 40 persons plus staff, hours are limited, and adequate fire fighting equipment access and facilities are available.
4. The proposed use would not have a substantial adverse economic effect on nearby uses because the use will take place in an existing facility where similar uses have operated previously.
5. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large because the facility is properly regulated and are designed to limit impacts on surrounding residents.
6. The proposed use is compatible with existing and proposed development within the district and its surroundings because the temporary homeless facility will be located within an existing structure. There will be no changes made to the structure to accommodate the temporary use other than for conformance with Building and Fire Code and Health Code requirements. The proposed use is regulated by conditions of approval to be compatible with adjacent commercial and residential uses.

**CONDITIONS**

1. Approval of PLN 2005-00096 is for a conditional use permit to allow a temporary shelter for sleeping purposes for 11 homeless families (maximum of 40 persons) in an existing religious facility located at the Corpus Christi Parish (located at 37968 Third Street and 37891 Second Street). The site shall be designated the host facility for the month of December, 2004. In subsequent years, the Planning Director may modify the schedule.
2. Use of the site for temporary homeless shelters shall conform with Exhibit "A" (site plan and floor plans) and the previously approved conditions of approval for PLN2003-00036.
3. The maximum number of persons per shelter shall be 40 persons, excluding staff and volunteers. For this use permit, a family is considered an adult and one or more minors.
4. At least one hundred twenty square feet of indoor living area, plus an additional fifty square feet of living area for each additional person over two persons excluding staff is required.
5. As outlined in the conditions of approval for PLN2003-00036, the Winter Relief Program will operate seven days a week during the months of November to April between the hours of 5:00 p.m. and 8:00 a.m. The program will generally include one hot meal per day, case management, and sleeping arrangements in churches. Centerville Presbyterian Church will be the hospitality site where families will gather starting at 5:00 p.m. and leave at 8:00 p.m. At this site families will receive dinner and case management. Recovery programs for adults and a program for children may also be part of the program. At 8:00 p.m. the clients of the program will move to the host sleeping

facility for the night. Paid shelter monitors will be at each site the entire time clients are on the premises. The families will travel by private car to the sleeping sites. After a cold breakfast, clients will leave the host sleeping facility by 8:00 a.m. Clients may move to the day program site Monday through Friday between 8:00 a.m. and 5:00 p.m. This particular site will be used as part of the Winter Relief Program as set forth in condition 1, above.

6. Use of the site as temporary homeless shelter may be extended due to unforeseen weather or other circumstances upon written notice from the provider and approval by Planning Director. In all cases the Winter Relief Program shall end by June 1st.
7. A minimum number of seven parking spaces shall be required for the use of the temporary homeless facility.
8. The location of the building, driveways, and parking areas shall be provided as shown on Exhibit "A". The shelter is required to meet the requirements of the Fremont Fire Department and the Uniform Building Code for temporary shelters including current assembly permits, fire inspections, and any required fire life safety systems such as alarms, fire sprinklers, and extinguishers with current certification. Each religious facility to be used as a sleeping facility shall provide Fire Department with diagram of room set-up plan and bed locations before operations begin at that site.
9. Security and safety lighting will be conforming to the City Security Ordinance and regulations.
10. The activities of the temporary homeless shelter shall be accessory to and shall not interfere with the principal use of the site as a religious facility.
11. Smoking shall occur only in designated smoking areas on the religious facility site.
12. Participants in Winter Relief Program shall remain on the hospitality site and sleeping facility site during hours of program. In and out privileges are not allowed.
13. Participants shall abide by Winter Relief Shelter Program Rules (Informational Exhibit) submitted by Tri-City Homeless Coalition. Failure of participant to abide by rules shall result in exclusion from shelter program.
14. To reduce the amount of waste and debris generated by the use of the facility for the Winter Relief Program, the applicant is encouraged to participate in a recycling program.
15. Minor modifications to the conditional use permit consistent with Title IV, Chapter 7 of the Fremont Municipal Code may be made subject to review and approval of the Planning Director if such modifications are in keeping with the intent of the original approval. If the Planning Director finds evidence that conditions of approval have not been fulfilled or that the use or uses has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Planning Director may refer the use permit to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit. Minor modifications shall include, but not limited to, adjustments to program schedule for the use of the facility.